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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,190	04/19/2001	Steven Russell Day		1515

30470 7590 06/27/2003

WILLIAM C. RONNENBERG JR.  
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2950 VAN NESS STREET  
WASHINGTON, DC 20008

EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 06/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/839,190

Applicant(s)

Day et al.

Examiner

Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Jun 11, 2003
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-11, and 14-18 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11, and 14-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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**Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 11, 2003 has been entered.

**Status of Application**

2. Applicant's amendment, filed on 6/11/03 has been entered in the application. Claims 1-6, 8-11, 14-18 remain pending.

**Claim Rejections 35 USC §112**

3. Claims 1-6 and 14-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 6-8, it is not clear what is meant by 'unobtrusive sliding', nor is it clear that this recitation is a further structural limitation. In claim 14, line 9, it is not entirely clear what is meant by the term 'unobtrusive surface'.

**Claim Rejections - 35 USC § 102**

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 8, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodriguez (US 2,200,935, cited previously). Rodriguez '935 teaches a skateboard having an elongated deck (10), a plate (11') with a perimeter including sides and ends, and having a top surface directly abutting a lower surface of the deck (10), the plate having the resilient properties of the material from which it is made, and having the hardness of the material from which it is made, the plate

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perimeter being located within the deck perimeter, the lower surface extending continuously throughout the plate, and not protruding beyond a given thickness, as best understood; first and second trucks (14) located at opposing deck ends, and having respective pairs of wheels (16, 17), and connected to the deck (10) through fasteners such as bolts or screws (15), which pass through apertures in the plate (not referenced) in order to mount to the deck (10), wherein the plate is attached to the deck between the deck and mounting faces (18) of the trucks, the mounting faces of the trucks having a width of same dimension as the plate width (note also figure 2), the plate having a front extent which is flush with the front-most edge of the front truck mounting face, the capable of allowing sliding on a surface oriented with respect to the plate.

### **Claim Rejections - 35 USC § 103**

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 2-6, 9-11, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez (US 2,200,935). As regards claims 2, 10, and 16, the reference of Rodriguez '935 fails to teach the plate as being made of a resilient plastic material. Resilient plastics are very well known in the manufacturing arts, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the plate of Rodriguez '935 from a plastic such as a polycarbonate, for the purpose of providing a plate which is both light weight and has a high impact strength, thus improving the life-span of the plate under use.

As regards claims 3, 11, 17 and 18, the reference of Rodriguez '935 fails to teach a specific thickness for the plate, however it is well known to adjust the thickness of structural members of a designed mechanism to meet a specific requirement, such as a height, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to adjust the thickness of the plate of Rodriguez '935 to between 0.1 and 0.33, or more specifically 0.25

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inches, for the purpose of optimizing the height which is added to the skateboard by the use of the plate.

As regards claims 6, 9, and 15, the reference to Rodriguez '935 fails to teach the length as being equivalent to the span between the ends of the mounting bases (the front extents being flush, but the rear extents having an overhang), however it is well known to decrease the size of manufactured elements for the purposes of using lesser quantities of material (thus saving costs), and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to size the plate of Rodriguez '935 to be equal to the distal end span of the mounting bases of the wheel trucks for the purpose of achieving an incremental reduction in cost of manufacturing the board.

#### **Response to Arguments**

8. Applicant's comments have been carefully considered. As regards the resilience of the plate taught by Rodriguez, the plate would be deemed to have the resilient characteristics of the material from which it is made, similarly it would be deemed to have the hardness of the material from which it is made. Please note that the reference is not limited to the use of wood. As regards the capability of the plate of Rodriguez to facilitate sliding or sliding without damage, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

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### Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

or faxed to :

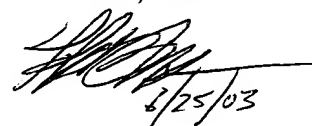
(703) 305-3597 or 305-7687 (for formal communications intended for entry;  
informal or draft communications may be faxed to the same number but should be  
clearly labeled "UNOFFICIAL" or "DRAFT")

The Office has also established electronic fax servers for Technology Center 3600 as follows:

703-872-9326 (Official communications)  
703-872-9327 (Official After Final communications)  
703-872-9325 (Customer Service)

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**

F. Vanaman  
June 25, 2003



6/25/03